

**ORDINANCE NO. 20050818-Z004**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP TO ADD A NEIGHBORHOOD PLAN COMBINING DISTRICT TO THE BASE ZONING DISTRICTS ON APPROXIMATELY 772.82 ACRES OF LAND GENERALLY KNOWN AS THE EAST CONGRESS NEIGHBORHOOD PLAN AREA AND TO CHANGE THE BASE ZONING DISTRICTS ON 36 TRACTS OF LAND.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to add a neighborhood plan (NP) combining district to each base zoning district within the property and to change the base zoning districts on 36 tracts of land within the property described in Zoning Case No. C14-05-0107, on file at the Neighborhood Planning and Zoning Department, as follows:

Approximately 772.82 acres of land in the City of Austin, Travis County, Texas, more particularly described and identified in the attached Exhibit "A" incorporated into this ordinance (the "Property"),

generally known as the East Congress neighborhood plan combining district, locally known as the area bounded by Stassney Lane on the south, IH-35 on the east, Ben White Boulevard on the north, and South Congress Avenue on the west, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

Except as provided in this ordinance, the existing base zoning districts and conditions remain in effect.

**PART 2.** The base zoning districts for the 36 tracts of land are changed from rural residence (RR) district, single family residence standard lot (SF-2) district, interim family residence (I-SF-3) district, family residence (SF-3) district, multifamily residence low density (MF-2) district, multifamily residence medium density (MF-3) district, multifamily residence medium density-conditional overlay (MF-3-CO) combining district, neighborhood office (NO) district, limited office (LO) district, community commercial (GR) district, community commercial-conditional overlay (GR-CO) combining district, warehouse limited office-conditional overlay (W/LO-CO) combining district, general commercial services (CS) district, and commercial-liquor sales (CS-1) district, commercial-liquor sales-conditional overlay (CS-1-CO) combining district, limited industrial services (LI) district, and limited industrial services-conditional overlay (LI-CO)

combining district to limited office-mixed use-neighborhood plan (LO-MU-NP) combining district, limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district, general commercial services-neighborhood plan (CS-NP) combining district, general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district, general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district, general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district, commercial-liquor sales-mixed use-neighborhood plan (CS-1-MU-NP) combining district, limited industrial services-neighborhood plan (LI-NP) combining district, limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district, public-neighborhood plan (P-NP) combining district, and limited industrial services-planned development area-neighborhood plan (LI-PDA-NP) combining district, as more particularly described and identified in the chart below:

| TRACT NO. | ADDRESS   | FROM                | TO          |
|-----------|---|---------------------|-------------|
| 101       | 133, 201, 205 E Ben White Blvd; 4101 & 4141 S Congress Ave  | LI, SF-3            | LI-PDA-NP   |
| 102       | 321-505 (odd only) E Ben White Blvd; 0 E Ben White Blvd (DECKER I 15X400 FT ABS 8 SUR 20); 4110 Terry-O Ln                          | LI, CS-1, CS-1-CO   | LI-PDA-NP   |
| 103       | 601, 701, 705, 711, 717, & 1001 E Ben White Blvd  | LI                  | LI-PDA-NP   |
| 104       | 4108, 4216, 4118, 4200, 4222 S Interstate Hy 35 Svc Rd SB   | LI                  | LI-PDA-NP   |
| 105       | 4201 S Congress Ave   | LI                  | LI-NP       |
| 107       | 121 Industrial Blvd   | SF-3                | LI-NP       |
| 108       | 4241, 4243, 4235, & 4237, & 4315 S Congress Ave; 0 S Congress Ave (FORTVIEW ADDN 53.36 X 181.61FT AV BLK 27)                        | LI, CS, SF-3        | CS-MU-NP    |
| 110       | 4355 - 4415 (odd only) S Congress Ave   | LI, CS, GR-CO, SF-3 | CS-MU-NP    |
| 111       | 115 E St Elmo Rd  | LI-CO               | LI-NP       |
| 112       | 4401 (ST ELMO SQUARE LOT 1) S Congress Ave; 4411, 4501, & 4515 S Congress Ave; 4500 Lucksinger Ln (FORTVIEW ADDN .75 ACR OF BLK 25) | LI, CS, SF-3        | CS-MU-NP    |
| 113       | 134 Sheraton Ave  | CS                  | CS-MU-CO-NP |
| 114       | 4619 S Congress Ave   | CS                  | CS-MU-NP    |
| 115       | 4417 Lucksinger Ln  | SF-3                | CS-MU-NP    |
| 116       | 315E St Elmo Rd   | SF-3                | LI-NP       |
| 117       | 4513 Lucksinger Ln  | SF-3                | LO-MU-NP    |

| TRACT NO. | ADDRESS   | FROM             | TO          |
|-----------|---|------------------|-------------|
| 118       | 4431 (BENOIT-BAILEY ADDN LOT A * FIRST RESUB OF), 4503 (BLOCKERS ADDN .25 ACR BLK 5), & 4507 Lucksinger Ln (BENOIT-BAILEY ADDN LOT 2)   | LI, SF-3         | CS-MU-NP    |
| 119       | 415 & 523 E St Elmo Rd; 711& 713 E St Elmo Rd (BLOCKERS ADDN ACR 1.38)  | LI               | LI-CO-NP    |
| 120       | 4511 Lucksinger Ln  | LI               | CS-MU-CO-NP |
| 121       | 135, 139 E. St. Elmo Rd.  | LI               | LI-NP       |
| 122       | 4510 Terry-O Ln (SOUTH AUSTIN INDUSTRIAL PARK LOT 4 & SOUTH AUSTIN INDUSTRIAL PARK PHS A LOT 5B)  | LI               | CS-MU-CO-NP |
| 123       | 711 E St Elmo Rd  | I-SF-3           | LI-NP       |
| 125       | 4703, 4715 (FARRELL THOMAS SUBD NO 2 W .563 ACR OF LOT 2), & 4719 (DECKER I ABS 8 SUR 20 ACR .558 & DECKER I ABS 8 SUR 20 ACR .584)S Congress Ave   | CS               | CS-MU-NP    |
| 126       | 4801 S Congress Ave   | CS, MF-3-CO      | CS-MU-CO-NP |
| 128       | 4809 S Congress Ave (DECKER I ABS 8 SUR 20 ACR .780); 4811 & 4917 S Congress Ave; 0 S Congress Ave (DECKER I ABS 8 SUR 20 ACR 5.27)   | CS, NO, SF-3     | CS-MU-CO-NP |
| 130       | 4701 Weidemar Ln  | SF-3             | CS-MU-NP    |
| 131       | 4701 Weidemar Ln (LOT 1 BLK A MUNDAY BILL SUBD )  | GR-CO            | CS-CO-NP    |
| 132       | 4703, 4705, 4707 Weidemar Ln; 1009 Shelby Ln; 4610 - 4914 (even only) S Interstate Hy 35 Svc Rd SB; 0 (DELVALLE S ABS 24 ACR .144); 0 (DELVALLE S ABS 24 ACR .276); 0 (JARKCO SUBDIVISION ACR .257 * OF LOT 1); 0 (DELVALLE S ABS 24 ACR .13); 0 (DELVALLE S ABS 24 ACR .15); 0 (DELVALLE S ABS 24 ACR .26); 0 (DELVALLE S ABS 24 ACR .260); 0 (JARKCO SUBDIVISION LOT 2) Weidemar Ln | LI, SF-3         | CS-NP       |
| 135       | 0 (DECKER I ABS 8 SUR 20 ACR 43.954) Weidemar Ln  | CS, MF-3, LO     | CS-CO-NP    |
| 137       | 0 (DELVALLE S ABS 24 ACR 1.231) (DELVALLE S ABS 24 ACR .757) (DMC SUBD LOT 2 BLK B) (DMC SUBD LOT 2 BLK B) (CANNON W ABS 6 SUR 19 ACR 11.865) (CANNON W ABS 6 SUR 19 ACR 3.86) (WASSON ROAD ADDN LOT 1)   | CS, GR, SF-2, RR | P-NP        |
| 142       | 5301, 5303, 5305 & 5307 Wasson Rd; 0 Wasson Rd (CANNON W ABS 6 SUR 19 ACR .31)  | SF-3, RR         | LO-MU-CO-NP |
| 144       | 5211 Wasson Rd (CANNON W ABS 6 SUR 19 ACR 2.276); 0 Wasson Rd (CANNON W ABS 6 SUR 19 ACR .38)   | W/LO-CO          | CS-MU-NP    |
| 145       | 5405 Wasson Rd [PART] (E 1 ACR OF LOT 1 BLK A STASSNEY VENTURE SUBD )   | CS               | CS-MU-CO-NP |

| TRACT NO. | ADDRESS  | FROM           | TO         |
|-----------|--|----------------|------------|
| 146       | 5303 - 5327 S Congress Ave (odd only) and 5210 - 5308 Wasson Rd (even only) and 102 E Mockingbird Ln (PLEASANT HILL ADDN LOTS 28-58 BLK 7A   | CS, MF-2, SF-3 | CS-MU-NP   |
| 147       | 5301 S Congress Ave  | CS-1           | CS-1-MU-NP |
| 150       | 5401 - 5501 S Congress Ave (odd only) ( PLEASANT HILL ADDN LOTS 12-25 BLK 7 and PLEASANT HILL ADDN LOT 2-A-A * LESS SE TRI RESUB OF LOT 2-A THE RESUB OF LOT 1-11 BLK 7 and PLEASANT HILL ADDN LOT 2-A-B * RESUB OF LOT 2-A THE RESUB OF LOT 1-11 BLK 7) | CS             | CS-MU-NP   |
| 151       | 5409 - 5509 Wasson Rd (odd only); 114 E Stassney Ln  | CS, GR         | CS-MU-NP   |

**PART 3.** The following applies to an existing legal lot with single-family residential use or secondary apartment special use within the boundaries of the NP combining district:

1. The minimum lot area is 2,500 square feet.
2. The minimum lot width is 25 feet.
3. For a lot with an area of 4,000 square feet or less, the impervious coverage may not exceed 65 percent.

**PART 4.** The following applies to a single-family residential use, a duplex residential use, or a two-family residential use within the boundaries of the NP combining district:

1. Impervious cover and parking placement restrictions apply as set forth in Section 25-2-1603 of the Code.
2. Front or side yard parking restrictions apply as set forth in Section 25-2-1406 of the Code.

**PART 5.** Tracts 105, 108, 110-115, 117, 120-121, 125-126, 128, 142, 144-147, and 150-151 may be developed as a neighborhood mixed use building special use as set forth in Sections 25-2-1502 through 25-2-1504 of the Code.

**PART 6.** Tracts 105, 108, 110-114, 117, 120-121, 125-126, 128, 145-147, and 150-151 may be developed as a neighborhood urban center special use as set forth in Sections 25-2-1521 through 25-2-1524 of the Code.

**PART 7.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A 30-foot wide vegetative buffer shall be established and maintained along the property lines of Tracts 119, 120, 128 and 135, that are adjacent to a property used or zoned family residence-neighborhood plan (SF-3-NP) combining district or more restrictive.
2. The maximum height of a building or structure on Tract 113 is 40 feet from ground level.
3. The following uses are prohibited uses of Tract 113:
  - Pawn shop services
  - Automotive washing (of any type)
  - Automotive sales
4. Vehicular access from Tract 126 to Suburban Drive is prohibited. All vehicular access to the tract shall be from other adjacent public streets or through other adjacent property.
5. Development of Tract 126 may not exceed a density of 23 residential units per acre.
6. A site plan or building permit for Tract 131 may not be approved, released, or issued, if the completed development or uses of the tract, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day.
7. Vegetation and a six-foot high fence shall be provided and maintained for screening along the north and south property lines of Tract 131 that abut adjacent residential development as set forth in Section 25-2-1066.

8. The following uses are prohibited uses of Tract 142:

|   |   |
|---|---|
| Bed and breakfast residential (Group 1) | Bed and breakfast residential (Group 2) |
| Condominium residential                 | Duplex residential                      |
| Group residential                       | Mobile home residential                 |
| Multifamily residential                 | Retirement housing (small site)         |
| Retirement housing (large site)         | Single-family attached residential      |
| Small lot single-family residential     | Townhouse residential                   |
| Two-family residential                  |   |

9. Vehicular access from Tract 145 is allowed only to South Congress Avenue.

**PART 8.** Development of the Property identified as Tracts 101, 102, 103, and 104 located within the boundaries of the planned development area (PDA) combining district established by this ordinance ("PDA Property") is subject to the use and site development regulations set forth in this part.

1. Development of the PDA Property shall comply with Section 25-2-648 (*Planned Development Area Performance Standards*) of the City Code.

2. Except as provided in Sections 3 to 5, all permitted and conditional limited industrial services (LI) uses are permitted and conditional uses of Tracts 101, 102, 103, and 104.

3. The following uses are additional permitted uses of Tracts 101, 102, 103, and 104:

|  |   |
|--|---|
| Bed and breakfast residential (Group 1)  | Bed and breakfast residential (Group 2) |
| Condominium residential                  | Group residential                       |
| Multifamily residential                  | Townhouse residential                   |
| Family home                              | Guidance services                       |
| Hospital services (limited)              | Private primary educational facilities  |
| Private secondary educational facilities | Public primary educational facilities   |
| Public secondary educational facilities  |   |

4. The following uses are conditional uses of Tracts 101, 102, 103, and 104:

|                 |                             |
|-----------------|-----------------------------|
| Cocktail lounge | Hospital services (general) |
|-----------------|-----------------------------|

5. The following uses are prohibited uses of Tracts 101, 102, 103, and 104:

Monument retail sales  
Basic industry  
Recycling center

Scrap and salvage  
Light manufacturing  
Resource extraction

6. The following site development standards apply to the PDA Property.

1. The maximum height for Tract 101 is 85 feet.
2. The maximum height for Tracts 102, 103, and 104 is 125 feet.
3. The minimum front yard setback for Tracts 101, 102, 103, and 104 is 25 feet.
4. The minimum street side yard setback for Tracts 101, 102, 103, and 104 is 25 feet.
5. The minimum interior side yard setback for Tracts 101, 102, 103, and 104 is 0 feet.
6. The minimum rear yard setback for Tracts 101, 102, 103, and 104 is 15 feet.
7. The maximum building coverage for Tracts 101, 102, 103, and 104 is 85 percent.
8. The maximum impervious cover for Tracts 101, 102, 103, and 104 is 85 percent.
9. A maximum floor to area ratio does not apply to Tracts 101, 102, 103, and 104.

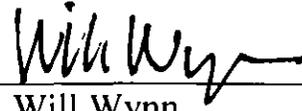
Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements of the City Code.

**PART 9.** This ordinance takes effect on August 29, 2005.

**PASSED AND APPROVED**

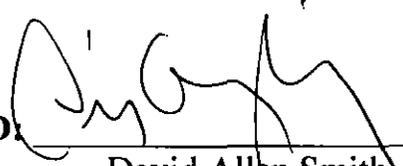
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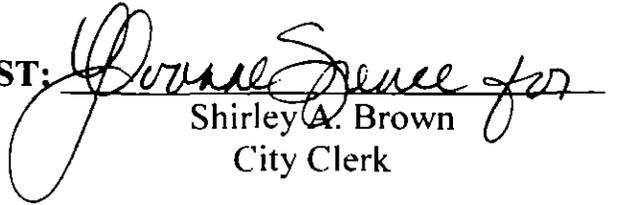
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Will Wynn  
Mayor

**APPROVED:**

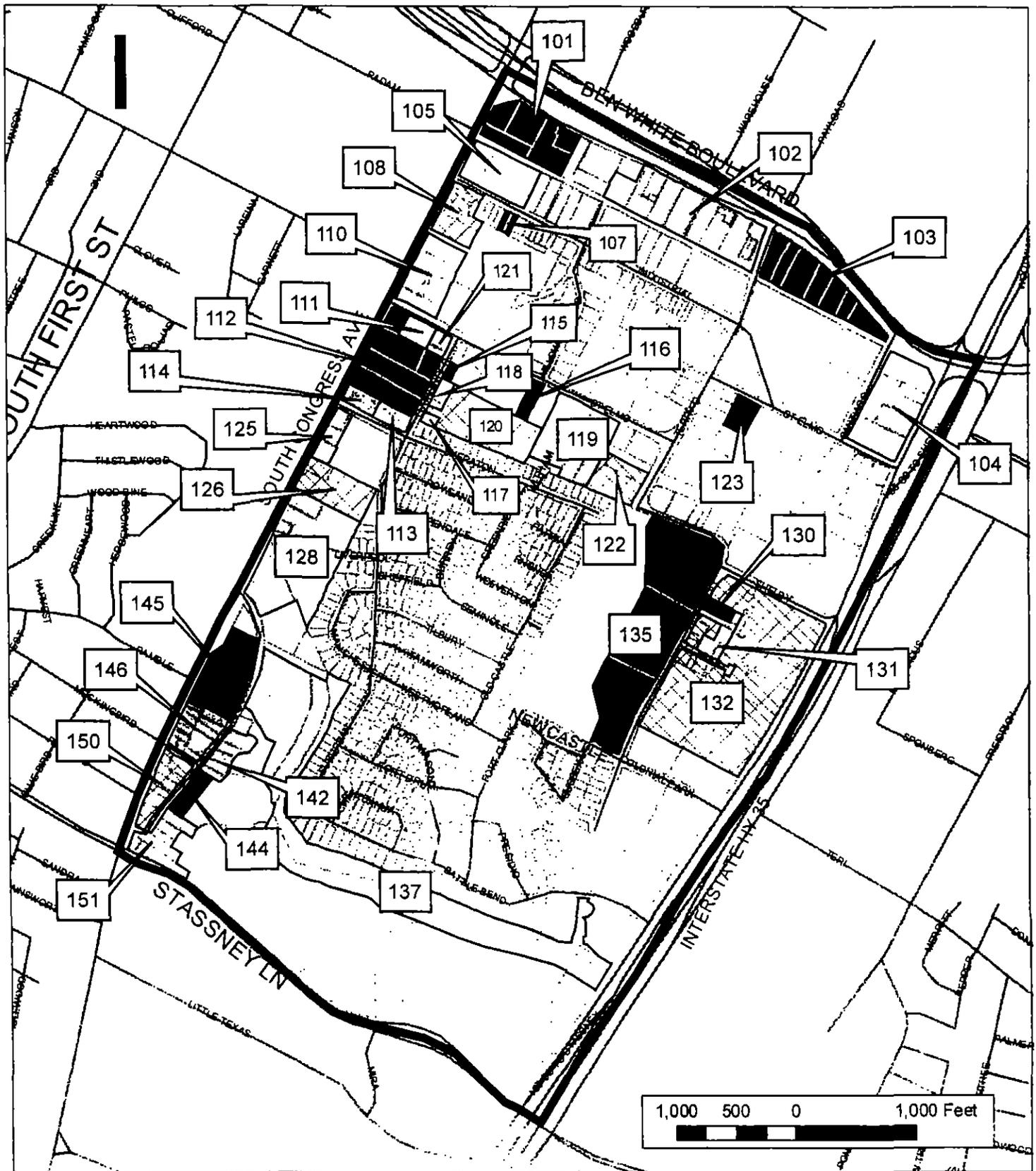


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David Allan Smith  
City Attorney

**ATTEST:**



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Shirley A. Brown  
City Clerk



East Congress Neighborhood Planning Area:  
 Proposed Tracts for Rezoning  
 Case #C14-05-0107

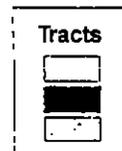
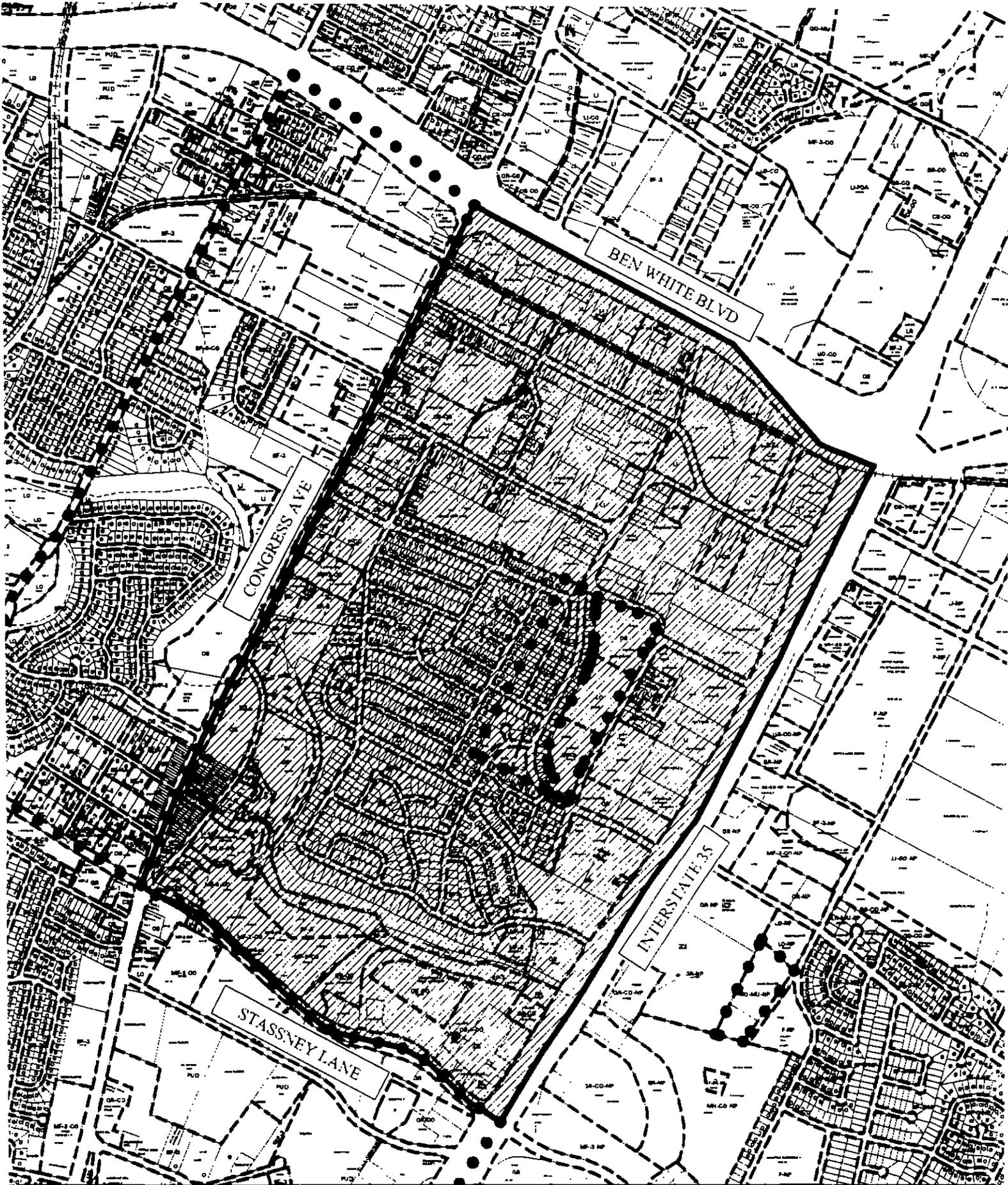


Exhibit A



City of Austin  
 Neighborhood Planning and Zoning Department



|   |   |   |   |
|---|---|---|---|
| <p>N</p> <p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR: W. WALSH</p> <p>1" = 1200'</p> | <p>CASE #: C14-05-0107</p> <p>ADDRESS: EAST CONGRESS</p> <p>NEIGHBORHOOD PLANNING AREA</p> <p>SUBJECT AREA (acres): N/A</p> | <p>ZONING EXHIBIT B</p> <p>DATE: 05-07</p> <p>INTLS: SM</p> | <p>CITY GRID REFERENCE NUMBER</p> <p>H18-18</p> |
|---|---|---|---|